

April 2003

Update: Criminal Procedure Monograph 1— Issuance of Complaints & Arrest Warrants (Revised Edition)

Part A — Commentary

1.4 Alternatives to a Formal Complaint and Warrant

Add the following language and bulleted list on p 8 following the bulleted list of offenses for which a citation to appear may not be issued under the Michigan Vehicle Code:

“Under MCL 764.9c(1), a citation to appear may not be used for offenses that authorize imprisonment over 93 days. Thus, under the Code of Criminal Procedure, a citation to appear may not be used for any of the following offenses:

- Leaving the scene of a serious personal injury accident, MCL 257.617(1).
- Failing to give proper information after an accident resulting in personal injury, MCL 257.617a.
- Negligent homicide, MCL 750.324.
- Driving under the influence of an intoxicating liquor or other controlled substance (2nd or subsequent offense), MCL 257.625(1).
- Driving while impaired (2nd or subsequent offense), MCL 257.625(3).
- Driving under the influence of an intoxicating liquor or other controlled substance causing the death of another, MCL 257.625(4).
- Driving under the influence of an intoxicating liquor or other controlled substance causing serious impairment of a bodily function to another, MCL 257.625(5).

- Violating MCL 257.625(1), (3), (4), or (5) while a person under the age of 16 is in the vehicle, MCL 257.625(7).